

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 15411 of 2005

Between:

A. Yesaiah, S/o.A.Rosanna,
Nannur Village, Orvakal Mandal, Kurnool district.

..... PETITIONER

AND

1. The Revenue Divisional Officer, Kurnool.
2. The Mandal Revenue Officer, Orvakal Mandal, Kurnool district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of *Writ of Mandamus* declaring the action of the first respondent in issuing impugned suspension orders Rc.B/601/2005, dated 25-05-2005 on flimsy grounds only by succumbing of the political pressures as illegal, arbitrary, and in Violation of Article 14, 19 and 21 of the Constitution of India and consequently set aside the above said impugned Orders Rc.B/601/2005, dated.25-05-2005.

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

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The order of the first respondent in Rc.No.B 601/2005, dated 25.05.2005, whereby the dealership of the petitioner was suspended pending enquiry is challenged in this writ petition.

Sri K. Rathanga Pani Reddy, the learned counsel for the petitioner contends that no allegation of misappropriation or shortage of stock is alleged against the petitioner and as such, the impugned order of suspension is without any justification.

Prima facie, the impugned order dated 25.05.2005 has been passed vide Rc.No.B.601/2005 for contravention of the conditions of 4 (1) (ii) 5 & 13 the provisions of Control Order, 2001. This Court would not, normally, interfere with the order of suspension pending enquiry, more so, when there is an effective alternative remedy by way of appeal against the said order.

The learned Government Pleader appearing on behalf of the respondents submits that during the course of inspection, though the petitioner had stated that the relevant records were with his son, the same were not produced at that relevant point of time, and that the order of suspension, in the circumstances, is justified.

Since an effective alternative remedy of appeal is available to the petitioner before the Joint Collector, Kurnool against the order of the first respondent, I am not inclined to interfere with the order impugned in this writ petition.

Learned counsel for the petitioner submits that the petitioner will prefer an appeal before the Joint Collector, Kurnool, within a period of one week from the date of receipt of a copy of this order. The Joint Collector, Kurnool is directed to consider the appeal, comply with the procedural requirements of the Control Order and pass appropriate orders either on the stay application filed

along with the appeal, or the appeal itself within a period of six weeks thereafter.

The writ petition is disposed of accordingly. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

Date: 18.07.2005

Note: Issue C.C. in three days.

B.O./Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Revenue Divisional Officer, Kurnool.
 2. The Mandal Revenue Officer, Orvakal Mandal, Kurnool district.
 3. 2 CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad
- (OUT)

4. 2 CD copies

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